

## ATTACHMENT - REMARKS

The issues raised in the Office Action will be considered in the same order as raised.

Turning first to the objection to the drawings, replacement sheets have been submitted herewith wherein the reference sign "1" has been added to Figure 1. In addition, Figures 9, 10(a) and 10(b) have been labeled with the legend --PRIOR ART-- as required.

With respect to the objection to the Abstract, a new Abstract has been submitted herewith which does not exceed the 150 word limit and which eliminates the material to which the Examiner has referred. It is assumed that the reference to "(Fig. 4) 1 cage unit... 33 egg collection conveyer" was in error and that the intention was to refer to "(Fig. 4)."

The specification has been objected to because of a number of minor clerical errors therein. The specification has been amended so as to eliminate these errors.

Claims 1 to 6 have been rejected under 35 U.S.C. § 112, second paragraph, as being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The rejection concerns two recitations in claim 1. The recitation "the reflected infrared light" at line 15 has been changed to eliminate "infrared" at that line. A similar correction has been made in the penultimate line of this claim. With respect to the recitation "control means," this recitation has been changed to --controller-- and the specification has been amended accordingly. In addition, a number of other changes have been made to claim 1 to improve the form

thereof. These changes are formal in nature and do not impact on the patentability of the claims.

Claims 1-6 have been rejected under 35 U.S.C. § 103(a) as being "unpatentable over" Okano in view of Kniskern. This rejection is respectfully traversed.

In rejecting the claims, the Examiner takes the position that Okano discloses a light receiving element provided between first and second light emitting element arrays and has made specific reference to Figure 8 and to "21 and 22 to the left." The device illustrated in Figure 8 includes two units U2, each of which comprises one light emitting element array 11 and two light receiving arrays 21 and 22. In this embodiment, the light receiving element arrays 21, 22 of the unit U2 arranged on the left side of Figure 8 can receive the light emitted from the light emitting element array 11 of the unit U2 arranged on the left side but the light receiving element arrays 21, 22 of the unit U2 on the left side can not receive light emitted from the light emitting array 11 of the unit U2 arranged on the right side. More generally, it is respectfully submitted that the Okano patent clearly does not disclose a light receiving array provided between two light emitting elements and, in this regard, the basic disclosure in Okano is an arrangement wherein a single light emitting element array is provided for two or more light receiving element arrays.

In summary, it is respectfully submitted that the Okano reference does not disclose a light receiving element provided between first and second light emitting arrays and thus that claim 1 is patentable for at least this reason.

A new claim 7 has been added which recites a further feature that distinguishes over the cited references. In Okano, the light emitting element array is positioned vertically so as to face the surface of the egg conveyer that is passing just under the light emitting array whereas, in contrast, in the present invention as claimed in new claim 7, the light receiving element is positioned vertically so as to face the surface of the egg conveyer passing just under the light receiving element array. Thus, it is respectfully submitted that claim 7 is separately patentable for at least this reason.

Allowance of the application in its present form is respectfully solicited.

Respectfully submitted,

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